

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

FERNANDO LOPEZ-ARMENTA,

Defendant.

CASE NO. CR21-0132-JCC

ORDER

This matter comes before the Court on Defendant's motion to continue trial and the pretrial motions deadlines (Dkt. No. 16). Having thoroughly considered Defendant's motion and the relevant record, the Court GRANTS the motion for the reasons explained below.

On August 11, 2021 a grand jury indicted Defendant for possession of controlled substances with intent to distribute and carrying in commission of a drug trafficking crime. (Dkt. No. 8.) Trial in this matter is currently set for October 12, 2021. (Dkt. No. 14.) Counsel seeks a continuance of the trial date to February 7, 2022 and a corresponding postponement of pretrial deadlines to January 7, 2022 on Defendant's behalf. (Dkt. No.16 at 1.) Counsel represents that the Government does not oppose the motion. (*Id.* at 2.) Counsel cites the need for more time to (a) conduct pre-trial investigations, (b) review discovery, (c) conduct legal research, and (d) prepare for pre-trial motions, particularly in light of the serious nature of Defendant's charges, which carry a mandatory minimum sentence. (*Id.*) Counsel also notes that additional time is

needed to transcribe and translate into Spanish certain discovery for Defendant's review, as Defendant does not speak English. (*Id.*)

Based on the foregoing, the Court FINDS:

1. Taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny defense counsel the time necessary for effective preparation, *see* 18 U.S.C. § 3161(h)(7)(B)(iv), and would therefore result in a miscarriage of justice, *see* 18 U.S.C. § 3161(h)(7)(B)(i).

2. The ends of justice will best be served by a continuance, and the ends of justice outweigh the best interests of the public and Defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and

3. The additional time requested is a reasonable period of delay.

Accordingly, Defendant's motion (Dkt. No. 16) is GRANTED. The trial date is CONTINUED to February 7, 2022. The time between the filing of this order and the new trial date is excludable time under the Speedy Trial Act, as provided in 18 U.S.C. §§ 3161(h)(7)(A), 3161(h)(7)(B)(i), and 3161(h)(7)(B)(iv). Any pretrial motions shall be filed no later than January 7, 2022.

DATED this 1st day of October 2021.

A handwritten signature in black ink, appearing to read "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE